

PROCEEDINGS OF THE COMMON COUNCIL

IN REGULAR SESSION

TUESDAY, AUGUST 8, 19 78

CITY OF FORT WAYNE INDIANA

JOURNAL OF THE PROCEEDINGS

OF THE COMMON COUNCIL

The Common Council of the City of Fort Wayne met in the Council

Chambers Tuesday evening August 8 A.D., 19 78, in

Regular Session. President Samuel J. Talarico in the chair,

and Charles W. Westerman Clerk, at the desk, present the following

members _____ viz:

BURNS ✓, HINGA ✓, HUNTER ✓,

MOSES ✓ ★, NUCKOLS ✓, DONALD SCHMIDT ✓,

VIVIAN SCHMIDT ✓, STIER ✓, TALARICO ✓,

ABSENT _____

COUNCILMAN _____, _____, _____,

_____, _____, _____,

The invocation was given by Reverend Hal Thomas - Westfield Presbyterian *ordian*

Received report from the City Controller for the month of _____,

19 _____. Motion made and carried that report be made a matter of record and placed on file.

The minutes of the last Regular _____, 19 _____,

_____, 19 _____,

Special _____, 19 _____,

Session having been delivered to the Council, were, on motion, approved and published.

August 8, 1978

Prayer for the opening of the City Council meeting

Holy, Infinite, Everlasting God; Your wisdom is beyond the reach of the human mind and your sovereign rule is the fullness of justice and truth. Help those gathered this evening to take this moment of prayer to prepare themselves for the difficult duties of participating in the decision-making of the government of this city. Grant to us the break from the busy day that we might actually fill our minds with meditations of your Holy Presence and that we might think upon the work that is before this council in the light of that meditation of our God. ✓ Deliver all who work here tonight from the temptations of popular decisions that bring glory while failing to meet the demands of justice and compassion. Inspire us with divine spirit to seek new vision where old ways no longer work. Grant to us an open mind that will consider all views equally and will seek to lift up what is true regardless of the source of that truth. Motivate all the people of this city to rededicate themselves to the spirit of cooperation.

Gracious God; we pray for understanding on the part of all who have come here tonight to support particular views or policies. Grant to us wisdom and self-control as we present our views and keep us from ignoring the real concerns and convictions of those we will oppose. Keep in our minds a clear image of the responsibility that is ours. Help us to conduct our business in such a way that those who have grown cynical about the ways of government will see in our work honest effort and genuine struggling for better government. Forgive the people of this city when we demand the impossible or when we don't demand enough. Console these public officials here gathered when they are held responsible for that which is not their doing.

Let this meeting be a reaffirmation of the principles of our democratic government and our dedication to justice and equality. Let those who lead us do so as public servants. Help all to remember that all we do must be to your honor, your glory, and in your will. In this spirit, grant the opening and gathering of this meeting. Amen.



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

office of the mayor

July 27, 1978

To the Common Council
Gentlemen and Mrs. Schmidt:

Today, July 27, 1978, I have approved the following ordinances passed by the Common Council at its regular meeting of July 25, 1978

(Bill No. S-78-07-03)
SPECIAL ORDINANCE NO. S-113-78

AN ORDINANCE approving a contract between Gladieux Refinery, Inc. and the City of Fort Wayne by and through its Department of Public Safety for Fire protection

(Bill No. R-78-07-14)
RESOLUTION NO. R-35-78

A RESOLUTION authorizing payment to various agencies for repair of various vehicles

(Bill No. R-78-07-15)
RESOLUTION NO. R-36-78

A RESOLUTION approving Section 8 Project

(Bill No. S-78-07-07)
SPECIAL ORDINANCE NO. S-114-78

AN ORDINANCE approving a contract for Street Improvement Resolution No. 5799-1978, between the City of Fort Wayne, Indiana and Wayne Asphalt & Construction Co., Inc., for widening approaches to intersection of Ardmore Avenue and Engle Road

(Bill No. S-78-07-08)
SPECIAL ORDINANCE NO. S-115-78

AN ORDINANCE approving an Agreement with H. G. Kleeman Enterprises, Inc.,



for construction of a sanitary sewer

(Bill No. S-78-07-09)
SPECIAL ORDINANCE NO. S-116-78

AN ORDINANCE approving a contract for Sewer Improvement Resolution No. 301-1978, between the City of Fort Wayne, Indiana and John Dehner, Inc., Contractor for installation of Paulding Road force main

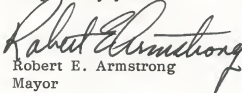
(Bill No. S-78-07-10)
SPECIAL ORDINANCE NO. S-117-78

AN ORDINANCE approving City Utilities Purchase Order No. 0099 with MacDonald Machinery Co., Inc. for six snow plows for the General Superintendent's Office of City Utilities

(Bill No. X-78-06-36)
(AS AMENDED)
ANNEXATION ORDINANCE NO. X-02-78

AN ORDINANCE annexing certain territory to the City of Fort Wayne and including the same in Councilmanic District No. 3

Respectfully yours,


Robert E. Armstrong
Mayor



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

office of the mayor

August 4, 1978

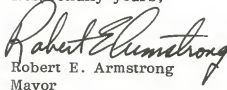
To the Common Council
Gentlemen and Mrs. Schmidt:

Today, August 4, 1978, I have approved the following ordinance passed by the Common Council at its regular meeting of July 25, 1978.

(Bill No. G-78-05-13)
(AS AMENDED AS AMENDED)
GENERAL ORDINANCE NO. G-21-78

AN ORDINANCE REPEALING GENERAL ORDINANCE NO. G-85-70 AS AMENDED BY
GENERAL ORDINANCE NO. G-12-72 AND AMENDING GENERAL ORDINANCE NO.
G-35-75 AND REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND EXPANDING
THE DUTIES AND POWERS OF THE METROPOLITAN HUMAN RELATIONS COMMISSION

Respectfully yours,


Robert E. Armstrong
Mayor





THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

office of the mayor

August 4, 1978

To the Common Council
Gentlemen and Mrs. Schmidt:

Today, August 4, 1978, I have approved the following ordinance passed by the Common Council at its special meeting of August 1, 1978

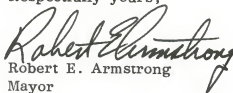
(Bill No. S-78-07-02)

(As amended)

SPECIAL ORDINANCE NO. S-118-78

AN ORDINANCE fixing the salaries of each and every appointive officer, employee, deputy, assistant, departmental and institutional head of the City of Fort Wayne, Indiana for the year 1979

Respectfully yours,


Robert E. Armstrong
Mayor





THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

community development & planning
Long Range Planning & Zoning

26 July 1978

COMMUNICATIONS FROM CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Schmidt:


Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment of the Zoning Ordinance (General Ordinance Number 2836, amending Chapter 36 of the Municipal Code of the City of Fort Wayne, Indiana, 1946). The proposed ordinance is designated as:

Bill No. Z-78-06-13

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
26th day of July, 1978.


Luben Lazoff
Secretary



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

community development & planning
Long Range Planning & Zoning

26 July 1978

Members of the Common Council
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Schmidt:

Attached hereto is a copy of a resolution pertaining to one (1) zoning ordinance amendment acted upon by the City Plan Commission at their regular meeting held July 24, 1978. In addition to the reasons outlined in the resolution, the following are additional remarks pertaining to the ordinance involved.

1. Bill No. Z-78-06-13
2. From "R1" to "B1B"
3. Intended Use: Parking for repaired trucks.
4. Plan Commission Recommendation: DO NOT PASS

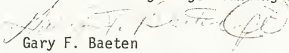
This ordinance received a DO NOT PASS recommendation for the following reasons:

- a. We feel that by permitting non-residential encroachment it would not be in the best interest of the neighborhood.
- b. This request is in an area which has a high concentration of children, many of whom line in Brookmill Addition.

If there are any questions with regard to this ordinance, please feel free to call on us.

Respectfully submitted,

COMMUNITY DEVELOPMENT & PLANNING
Division of Long Range Planning & Zoning


Gary F. Baeten
Land Use Administrator

GFB:pb

Attachments

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on June 13, 1978, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-78-06-13; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on July 17, 1978;

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that such proposed ordinance DO NOT PASS for the reasons that no need has been shown for the Land Use Plan to be amended, the amendment will not be in the best interest of and benefit to the are involved and of and to the City, and the amendment will be detrimental to and conflicts with the overall City Plan; and,

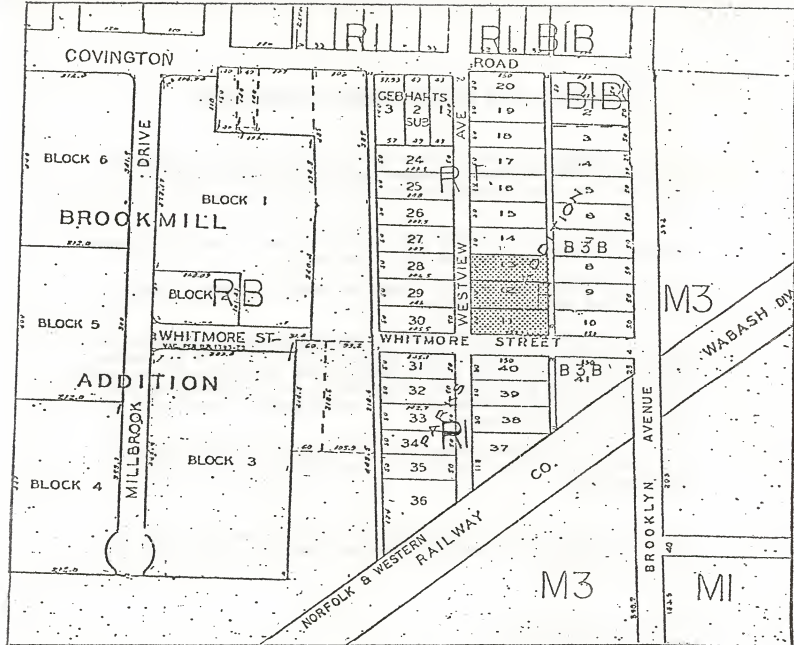
BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held July 24, 1978.

Certified and signed this
26th day of July, 1978.

A handwritten signature in dark ink, appearing to read 'Luben Lazoff', is written over a horizontal line.

Luben Lazoff
Secretary



REZONE FROM RI TO BIB

MAP NO. J-7

7-78-06-13

BY M.F.C. 7-18-78





THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

community development & planning
Long Range Planning & Zoning

26 July 1978

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Schmidt:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the street name change of a portion of Runnion Avenue to North Highlands Boulevard.

The proposed ordinance is designated as:

BILL NO. S-78-06-14

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
26th day of July, 1978.

Luben Lazoff
Secretary



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

community development & planning
Long Range Planning & Zoning

26 July 1978

Members of the Common Council
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Schmidt:

Attached hereto is a resolution pertaining to a street name change acted upon by the City Plan Commission at their regular meeting held July 24, 1978. In addition to the reasons outlined in the resolution, the following are additional remarks pertaining to the ordinance:

1. Bill No. S-78-06-14
2. Street Name Change: Portion of Runnion Avenue changed to North Highlands Boulevard
3. Plan Commission Recommendation: DO PASS

If there are any questions with regard to this ordinance please feel free to call on us.

Respectfully submitted,

CITY PLAN COMMISSION

Gary F. Baeten
Land Use Administrator

GFB:pb

Attachment

RESOLUTION OF STREET NAME CHANGE RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on June 13, 1978, referred a proposed street name change amendment to the City Plan Commission which proposed ordinance was designated as Bill No. S-78-06-14; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law;

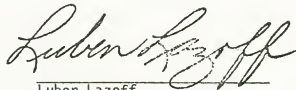
WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on July 17, 1978;

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that such proposed ordinance DO PASS.

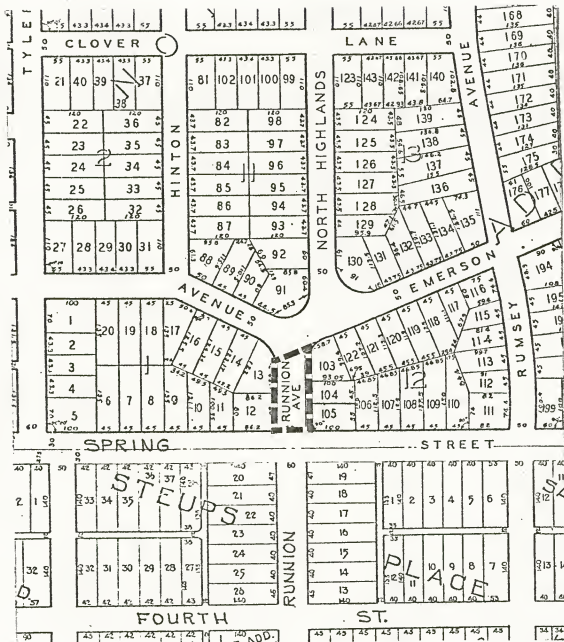
BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held July 24, 1978.

Certified and signed this
26th day of July, 1978.

A handwritten signature in cursive script, reading "Luben Lazoff", written over a horizontal line.

Luben Lazoff
Secretary



STREET NAME CHANGE FROM RUNNION AVE. TO
NORTH HIGHLANDS BLVD.



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

community development & planning

Long Range Planning & Zoning

26 July 1978

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Schmidt:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the vacation of a dedicated alley.

The proposed ordinance is designated as:

Bill No. G-78-06-27

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
26th day of July, 1978.

Luben Lazoff
Secretary



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

community development & planning

Long Range Planning & Zoning

26 July 1978

Members of the Common Council
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Schmidt:

Attached hereto is a copy of a resolution pertaining to one alley vacation acted upon by the City Plan Commission at their regular meeting held July 24, 1978. In addition to the reasons outlined in the resolution, the following are additional remarks pertaining to the ordinance involved.

1. Bill No. G-78-06-27
2. Intended Use: The vacated alley sought to be vacated would be used by Hefner Chevrolet, Inc., in the operation of its automobile business.
3. Plan Commission Recommendation: DO PASS with the following condition.

CONDITION: The alley be maintained as a utility easement because of the existence of sewer, telephone and electrical utilities in the alley.

If there are any questions with regard to this ordinance, please feel free to call on us.

Respectfully submitted,

COMMUNITY DEVELOPMENT & PLANNING

Gary F. Baeten
Land Use Administrator

GFB:pb

Attachments

66-107-12
7/31/78
RESOLUTION #66-107-12

WHEREAS, NORTHSIDE REALTY CORPORATION have petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following public alley situated in Fort Wayne, Allen County, Indiana, to-wit:

The East-West alley from the West right-of-way line of Eade Avenue to the West boundary line of Lot 31 in Eade's Addition, lying between Lots 30 and 31 and Lot 32 in Eade's Addition

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 Chapter 385 of the Acts of 1963 of the General Assembly of the State of Indiana Indiana Code Section 18-7-5-46; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said vacation of alley has been routed through the following departments: Street Engineering, Traffic Engineering, Water Pollution Control Engineering, Water Engineering, Electrical Engineering, Park Board and through the public utility companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne Board of Public Works that the vacation of said public alley hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana.

BE IT FURTHER RESOLVED by the Board of Public Works that the vacation of said public alley, hereinbefore described be and the same is hereby approve subject to the alley being maintained as a utility easement because of the existence of sewer, telephone and electrical utilities in the alley.

BE IT FURTHER RESOLVED no public utility occupying and using said alley or part thereof for the vacation and operation of its utility facilities shall be deprived of said use on account of these proceedings unless any said utility shall file a written consent to said vacation.

STATE OF INDIANA)
COUNTY OF ALLEN) SS:

I, Henry P. Wehrenberg Chairman of the Board of Public Works, do hereby certify that attached hereto is a full, true and correct copy of a resolution adopted by the Fort Wayne Board of Public Works following a Board of Works Meeting held July 31, 1978, and as the same appears of record in the official records of said Board of Public Works.

DATED THIS 31 DAY OF July, 1978

FORT WAYNE BOARD OF PUBLIC WORKS

Henry P. Wehrenberg
Henry P. Wehrenberg, Chairman

Ethel H. LaMar, Member

Max G. Scott
Max G. Scott, Member

R E S O L U T I O N

WHEREAS, NORTHSIDE REALTY CORPORATION have petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following public alley in Fort Wayne, Allen County, to-wit:

The east-west alley from the west right-of-way line of Eade Avenue to the west boundary line of Lot 31 in Eade's Addition, lying between Lots 30 and 31 and Lot 32 in Eade's Addition

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947 of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of 1963 of the General Assembly of the State of Indiana, Indiana Code, Section 18-7-5-46.

WHEREAS, notice of such public hearing has been given by due and proper publication thereof; and,

WHEREAS, said public hearing was held July 17, 1978, at 7:30 P.M., o'clock, and at such hearing there were no objections of any kind or character which should prevent the vacation of said public alley.

WHEREAS, said vacation of the alley has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Street Light Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said alley hereinbefore described conforms to the general policy pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana;

BE IT FURTHER RESOLVED by the Fort Wayne City Plan Commission that the vacation of said public alley hereinbefore described be and the same is hereby approved.

BE IT FURTHER RESOLVED no public utility occupying and using said public alley or part thereof for the vacation and operation of its utility facilities shall be deprived of said use on account of these proceedings unless any said utility shall file a written consent to said vacation.

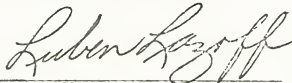
BE IT FURTHER RESOLVED that the action of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of alleys in Allen County, Indiana.

STATE OF INDIANA)
COUNTY OF ALLEN) SS:

I, Luben Lazoff, Secretary of the Fort Wayne City Plan Commission, do hereby certify that attached hereto is a full, true and correct copy of a resolution adopted by the Fort Wayne City Plan Commission following a public hearing of said Commission held July 17, 1978, and as the same appears of record in the official records of said Plan Commission.

DATED THIS 26th DAY OF July 1978

FORT WAYNE CITY PLAN COMMISSION



Luben Lazoff
Secretary



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

community development & planning
Long Range Planning & Zoning

27 July 1978

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Schmidt:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the vacation of a dedicate alley.

The proposed ordinance is designated as:

Bill No. G-78-06-32

Respectfully submitted,

CITY PLAN COMMISSION

Luben Lazoff
Secretary

Certified and signed this
27th day of July, 1978.



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

community development & planning
Long Range Planning & Zoning

27 July 1978

Members of the Common Council
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Schmidt:

Attached hereto is a copy of a resolution pertaining to one (1) alley vacation acted upon by the City Plan Commission at their regular meeting held July 24, 1978. In addition to the reasons outlined in the resolution, the following are additional remarks pertaining to the ordinance involved.

1. Bill No. G-78-06-32
2. Intended Use: The St. Joe Athletic Club is applying to lease the lot and maintain it for their use.
3. Plan Commission Recommendation: DO PASS with condition.

This ordinance received a DO PASS recommendation with the following condition:

- a. The west 30 feet of this alley be maintained as an easement for an I&M power pole anchor.

If there are any questions with regard to this ordinance, please feel free to call on us.

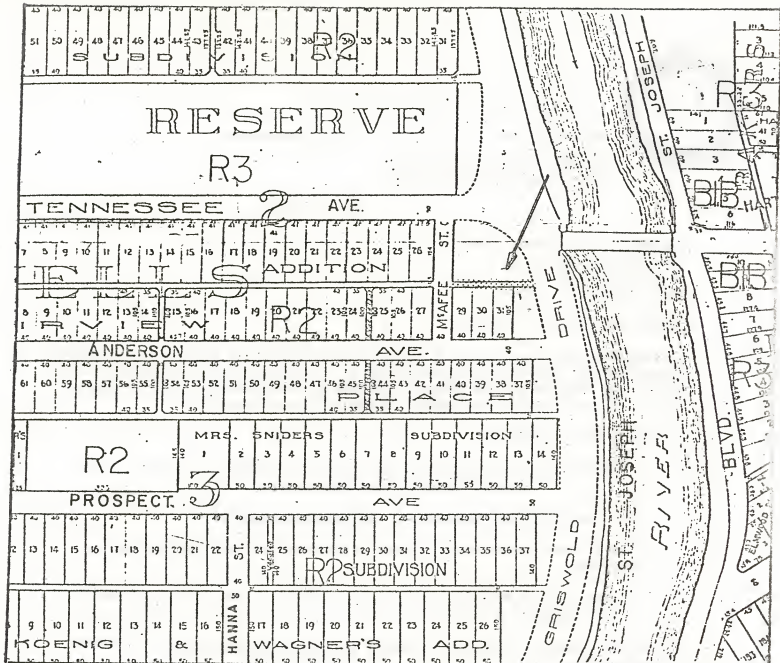
Respectfully submitted,

COMMUNITY DEVELOPMENT & PLANNING

Gary F. Baeten
Land Use Administrator

GFB:pb

Attachments



VACATE ALLEY

MAP NO N-10

G-78-06-32

BY M.F.C. 4-23



66-107-13
7/31/78
RESOLUTION #66-107-13

WHEREAS, the ST. JOE ATHLETIC CLUB OF FORT WAYNE, INDIANA have petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following public alley situated in Fort Wayne, Allen County, Indiana, to-wit:

The East-West alley 12.5 feet wide extending from the East right-of-way line of McAfee Street to the West right-of-way line of Griswold Drive. Said alley lies between Anderson and Tennessee Streets. Said alley lies South of Part Lot#2 in Wells Reserve and North of Lots #29 thru 31, Inc., Fairview Place Addition

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of 1963 of the General Assembly of the State of Indiana, Indiana Code Section 18-7-5-46; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said vacation of alley has been routed through the following departments: Street Engineering, Traffic Engineering, Water Pollution Control Engineering, Water Engineering, Electrical Engineering, Park Board and through the public utility companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne Board of Public Works that the vacation of said public alley hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana.

BE IT FURTHER RESOLVED by the Board of Public Works that the vacation of said public alley, hereinbefore described be and the same is hereby approved subject to the west 30 feet of this alley being maintained as an easement for an Indiana & Michigan Electric power pole anchor.

BE IT FURTHER RESOLVED no public utility occupying and using said alley or part thereof for the vacation and operation of its utility facilities shall be deprived of said use on account of these proceedings unless any said utility shall file a written consent to said vacation.

STATE OF INDIANA)
COUNTY OF ALLEN) ss:

I, Henry P. Wehrenberg Chairman of the Board of Public Works, do hereby certify that attached hereto is a full, true and correct copy of a resolution adopted by the Fort Wayne Board of Public Works following a Board of Works Meeting held on July 31, 1978, and as the same appears of record in the official records of said Board of Public Works.

DATED THIS 31 DAY OF July, 1978

FORT WAYNE BOARD OF PUBLIC WORKS

Henry P. Wehrenberg
Henry P. Wehrenberg, Chairman

Ethel H. La Mar, Member

Max G. Scott
Max G. Scott, Member

R E S O L U T I O N

WHEREAS, the ST. JOE ATHLETIC CLUB OF FORT WAYNE, INDIANA have petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following public alley in Fort Wayne, Indiana, Alley County, to-wit:

The East-West alley 12.5 feet wide extending from the East right-of-way line of McAfee Street to the West right-of-way line of Griswold Drive. Said alley lies between Anderson and Tennessee Streets. Said alley lies South of Part of Lot #2 in Wells Reserve and North of Lots #29 thru 31, Inc., Fairview Place Addition

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947 of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of 1963 of the General Assembly of the State of Indiana, Indiana Code, Section 18-7-5-46.

WHEREAS, notice of such public hearing has been given by due and proper publication thereof; and,

WHEREAS, said public hearing was held on July 17, 1978, at 7:30 o'clock P.M., and at such hearing there were no objections of any kind or character which should prevent the vacation of said public alley.

WHEREAS, said vacation of the alley has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Street Light Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said alley hereinbefore described conforms to the general policy pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana;

BE IT FURTHER RESOLVED by the Fort Wayne City Plan Commission that the vacation of said public alley hereinbefore described be and the same is hereby approved.

BE IT FURTHER RESOLVED no public utility occupying and using said public alley or part thereof for the vacation and operation of its utility facilities shall be deprived of said use on account of these proceedings unless any said utility shall file a written consent to said vacation.

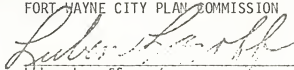
BE IT FURTHER RESOLVED that the action of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of alleys in Allen County, Indiana.

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

I, Luben Lazoff, Secretary of the Fort Wayne City Plan Commission, do hereby certify that attached hereto is a full, true and correct copy of a resolution adopted by the Fort Wayne City Plan Commission following a public hearing of said Commission held July 17, 1978, and as the same appears of record in the official records of said Plan Commission.

DATE THIS 27th DAY OF July, 1978

FORT WAYNE CITY PLAN COMMISSION



Luben Lazoff
Secretary

President of the Common Council
City of Fort Wayne, Indiana

Gentlemen:

Attached herewith are authenticated copies of the Board of
Public Safety Regulatory Resolution Numbers: 39/78/E
40/78/D

For the purpose of enforcement, please make this communication
and the attached Regulatory Resolutions a matter of record and
incorporate them into the minutes of the next Common Council
Meeting.

Respectfully submitted,

Terry Coonan

Terry Coonan, Chairman
Board of Public Safety



RETURN CERTIFICATE

(Regulatory Resolution No. ^{39/78/E}40/78/D)

I hereby certify that I did this 7th day of August, 19 78 deliver to each, the City Traffic Engineer, the Chief of Police, the City Attorney, The City Clerk and the President of the Common Council of the City of Fort Wayne, Indiana, respectively, a copy of the within ^{39/78/E}Regulatory Resolution No. 40/78/D of the Board of Public Safety of the City of Fort Wayne, duly certified by me as ~~Secretary~~^{Chairman} of said Board, in accordance with the provisions of Section 7-4(a) of Chapter 17, Municipal Code of the City of Fort Wayne, Indiana 1946, as amended by General Ordinance G-55, adopted FEB. 14, 1961.

Terry Coonan

CHAIRMAN
~~XXXXXXXXXXXXXXXXXXXX~~~~SECRETARY~~

REGULATORY RESOLUTION NO. 39/78/E

(Adopted August 7 , 19 78.)

WHEREAS, Section 7-4(a) (3), Chapter 17, Municipal Code of the City of Fort Wayne, Indiana, as amended by General Ordinance No. G-55 adopted FEB. 14 1961 authorizes the Board of Public Safety to make experimental regulations to cover special conditions; and,

WHEREAS, a special condition has arisen justifying the Experimental Regulation hereinafter ordered, with regard to 90 Minute Parking 8:00 A.M.-6:00 P.M. (EMERGENCY)

_____ ; and,

WHEREAS, the City Traffic : Engineer has, by written memorandum dated August 3 , 19 78 submitted to this Board his advice with regard to the regulation hereinafter adopted, which written memorandum is on file in the office of this Board;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA:

That, pursuant to the authority granted to this Board by Section 7-4(a) (3) of Chapter 17 of the Municipal Code of the City of Fort Wayne, Indiana 1946, as amended by General Ordinance No G-55, adopted FEB. 14, 1961. to make experimental regulations to cover special conditions, it is hereby ordered, effective August 7 ,

19 78 , and for a period of sixty (60) days thereafter, and when signs are erected pursuant hereto giving notice thereof, that THE FOLLOWING BE ESTABLISHED:

90 Minute Parking 8:00 A.M. - 6:00 P.M. (EMERGENCY)

Forest Ave. -- north side -- from Kensington Blvd. to 135 ft. east thereof

REGULATORY RESOLUTION NO. 40/78/D

(Adopted August 7, 19 78)

WHEREAS, Section 17-4(a) (2), Chapter 17, Municipal Code of the City of Fort Wayne, Indiana, as amended by General Ordinance No. G-55, adopted FEB. 14, 1961, authorizes the Board of Public Safety to make regulations to carry out its delegated authority thereunder; and,

WHEREAS, Section 121 of said chapter as so amended delegates to this Board authority to NO PARKING (DELEGATED)

_____; and,

WHEREAS, the City Traffic Engineer has, by written memorandum dated August 3, 19 78, submitted to this Board his advice with regard to the regulation hereinafter adopted, which written memorandum is on file in the office of this Board;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA:

That, pursuant to the authority delegated to this

Board by Section 121 of Chapter 17, Municipal Code of the City of Fort Wayne, Indiana 1946, as amended by General Ordinance No G-55 adopted FEB. 14. 1961. it is hereby

ordered, effective August 7, 1978, and when signs are erected pursuant hereto giving notice thereof, that THE FOLLOWING BE ESTABLISHED:

NO PARKING (DELEGATED)

Harrison St. -- east side -- from Main St. to the first alley
south thereof

CALL, CONSENT AND WAIVER OF NOTICE OF A SPECIAL
MEETING OF THE COMMON COUNCIL OF THE CITY OF
FORT WAYNE, INDIANA, TO BE HELD
MONDAY, AUGUST 28, 1978 AT 7:30 O'CLOCK P.M., E.S.T.

We, the undersigned, being all of the members of the Common Council
of the City of Fort Wayne, Indiana do hereby call a special meeting of said Council
to be held on MONDAY, AUGUST 28, 1978 at 7:30 o'clock P.M.,
E.S.T. and jointly and severally waive notice of the time, place and purpose of
said meeting and consent that same be held on the aforesaid date for the purpose of
appropriating money for the purposes of defraying the expenses of the several
departments of the City Government of the City of Fort Wayne, Indiana, for the
fiscal year beginning January 1, 1979, including all outstanding claims and
obligations and fixing a time when the same shall take effect --- Bill No. A-78-08-01
and fixing the tax levy for the City of Fort Wayne for the year 1979 --- Bill No.
S-78-08-03 for action and passage.

William T. Hinga

W. J. Schmidt

John R. Burns

W. J. H. Te

Vivian J. Schmidt

Samuel J. Talasico

John Nichols

Frederick R. H. H.

James S. L. H.

DATED THIS

8th day of August, 1978

MADE A MATTER OF RECORD
CHARLES W. WESTERMAN, CITY CLERK

Charles W. Westerman
CHARLES W. WESTERMAN
CITY CLERK

THE COUNCIL THEN ADJOURNED.

CERTIFICATE

I hereby certify that I am the duly elected, acting and incumbent City Clerk of the City of Fort Wayne, Indiana and as such the custodian of the records of the Common Council of said City and that the above and foregoing is the true, full and complete record of the proceedings of the Common Council of the City of Fort Wayne, Indiana for its Regular Session, held on Tuesday the 8th day of August, 19 78 that the numbered ordinances and resolutions shown therein were duly adopted by said Common Council on said date and were presented by me to the Mayor of the City of Fort Wayne and were signed and approved or disapproved by said Mayor as and on the dates shown as to each such ordinance and resolution respectively; and that all such records, proceedings, ordinances and resolutions remain on file and record in my office.

WITNESS my hand and the official seal of the City of Fort Wayne, Indiana, this _____ day of _____, 19 ____.

Charles W. Westerman
City Clerk